

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In the Matter of:

**Chapter 7
Case No. 19-11794 MSH**

**NANCY ELLEN MCGINN
Debtor**

Adversary Proceeding No.:19-01090 MSH

**WALTER J. ENO
Plaintiff**

v.

**NANCY E. MCGINN,
Defendant**

MOTION TO COMPEL AND MOTION TO CONTINUE

COMES NOW the Defendant, Nancy Ellen McGinn, by and through her attorney of record, and Moves this Honorable Court to Compel the Plaintiff to provide the Defendant with the disclosures required by Rule 26(a) and further, to Continue the Hearing scheduled by this Honorable Court from January 22, 2020 to a date 60 days thereafter.

As reasons therefore, the Defendant states as follows:

1. Nancy McGinn, the Defendant, provided the automatic disclosures required by Rule 26(a) on or about December 2, 2019 to Walter Eno, the Plaintiff. To date, no disclosures have been received by the Defendant from the Plaintiff.
2. The information that the Plaintiff should be disclosing to Defendant is, at a minimum, necessary to prepare a response to Defendant's Motion, which is being treated by the Honorable Court as Plaintiff's Motion for Summary Judgment. The Plaintiff references in his Motion a

purported witness for which Defendant has no knowledge of or contact information and other allegations of which Defendant has no knowledge.

3. Additionally, Nancy McGinn, Defendant, will not be available until on or after February 24, 2020 to assist in her defense. Ms. McGinn is an employee of Massachusetts Maritime Academy and is required to be out to sea for approximately six weeks, from January 11, 2020 to February 24, 2020 and has no means of communication with counsel.

WHEREFORE, the Defendant prays for an order compelling the Plaintiff to provide the Defendant the disclosures required by Rule 26(a) and for an order continuing the hearing scheduled for January 22, 2020 for at least 60 days thereafter.

Dated January 2, 2020

Respectfully submitted,
Nancy Ellen McGinn, Defendant,
By her Attorney,
/s/ Jennifer D. Joakim 645113
Jennifer D. Joakim, Esq. 645113
Attorney for the Debtor
71 Route 6A, Suite 3
P.O. Box 148
Sandwich, MA 02563
(402) 784-2202
Atyjdj@aol.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served upon the following by first class mail on this 2nd day of January, 2020:

Walter J. Eno
6 Colonel Dow Drive
Scarborough, ME 04074

/s/ Jennifer D. Joakim #645113
Attorney of Record